

1 UNITED STATES DISTRICT COURT

2 DISTRICT OF NEVADA

3 CHAD WINDHAM MITCHELL,

Case No. 3:22-cv-00159-MMD-CSD

4 Plaintiff

ORDER

5 v.

6 CARSON CITY SHERIFF'S OFFICE, et al.,

7 Defendants

8
9 This 42 U.S.C. § 1983 case comes before the Court on Plaintiff Chad Windham
10 Mitchell's motion for Court action. (ECF No. 20 ("Motion").)11 On June 10, 2022, this Court issued its screening order on Mitchell's civil rights
12 complaint ("Complaint"). (ECF No. 3.) This Court ordered Mitchell to file a first amended
13 complaint ("FAC") curing the deficiencies of his Complaint; otherwise, this case would be
14 dismissed without prejudice for failure to state a claim. (*Id.* at 10.) This Court also granted
15 Mitchell's application to proceed *in forma pauperis* and ordered that the Carson City
16 Sheriff's Detention Facility forward payments from Mitchell's account to the Clerk of the
17 United States District Court, District of Nevada. (*Id.* at 9.) On August 18, 2022, Mitchell
18 filed his FAC. (ECF No. 9.) On December 12, 2022, this Court issued its screening order
19 on Mitchell's FAC. (ECF No. 16.) In that order, this Court ordered Mitchell to file a second
20 amended complaint ("SAC") within 45 days if he desired to cure the deficiencies of his
21 FAC; otherwise, the action would proceed only on Mitchell's First Amendment retaliation
22 claim against Defendant Detention Sergeant Rivera. (*Id.*) Mitchell's 45-day deadline
23 expires on January 26, 2023.24 On January 20, 2023, Mitchell filed a notice of change of address, indicating that
25 he had been moved from the Carson City Sheriff's Detention Facility to the Washoe
26 County Detention Facility. (ECF No. 19.) In his Motion, Mitchell explained that his legal
27 documents were not transferred during this relocation. (ECF No. 20.) As such, Mitchell
28 requests the following: (1) the Court resend his FAC, the Court's December 12, 2022,

1 screening order, and the form for filing a § 1983 complaint, (2) the Court extend his
2 deadline for filing his SAC, and (3) the Court notify the Washoe County Detention Facility
3 about the deductions from his inmate account for his filing fee in the instant action. (*Id.*)
4 The Court finds good cause to grant Mitchell's requests.

5 It is therefore ordered that the motion for Court action (ECF No. 20) is granted.

6 It is further ordered that Clerk of Court send Mitchell (1) the approved form for filing
7 a § 1983 complaint, (2) instructions for the same, (3) a copy of his FAC (ECF No. 9), and
8 (4) a copy of this Court's December 12, 2022, order (ECF No. 16).

9 It is further ordered that Mitchell file his SAC within 45 days of entry of this order. If
10 Plaintiff chooses not to file a SAC, this case will proceed only on Mitchell's First
11 Amendment retaliation claim against Defendant Detention Sergeant Rivera (ECF No. 16).

12 It is further ordered that, pursuant to 28 U.S.C. § 1915, as amended by the PLRA,
13 the Washoe County Detention Facility will forward payments from the account of Chad
14 Windham Mitchell, #2214689 to the Clerk of the United States District Court, District of
15 Nevada, 20% of the preceding month's deposits (in months that the account exceeds
16 \$10.00) until \$280.45 has been paid for this action.¹ If Mitchell should be transferred and
17 come under the care of the Nevada Department of Corrections, the Washoe County
18 Detention Facility Accounting Supervisor is directed to send a copy of this order to the
19 attention of the Chief of Inmate Services for the Nevada Department of Corrections, P.O.
20 Box 7011, Carson City, NV 89702, indicating the amount that Mitchell has paid toward
21 his filing fee, so that funds may continue to be deducted from Mitchell's account. The
22 Clerk of Court is directed to send a copy of this order to the Finance Division of the Clerk's
23 Office. The Clerk of Court is further directed to send a copy of this order to the Washoe
24 County Detention Facility's Accounting Supervisor, 911 Parr Blvd., Reno, Nevada 89512.

25 DATED THIS 25th day of January 2023.

26 
27 UNITED STATES MAGISTRATE JUDGE

28 ¹\$280.45 is the remainder of Mitchell's filing fee, as Mitchell has already paid \$69.55
towards his \$350.00 filing fee.